



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Niels Gebauer

Serial No.: 09/189,615

Examiner: G. Robinson

Filing Date: November 9, 1998

Group Art Unit: 2177

For: METHOD AND APPARATUS FOR PROVIDING AN AVAILABILITY  
MESSAGE TO A REMOTE USER TERMINAL (Amended)

Docket No.: 33012/246/101

RECEIVED

APR 11 2002

REQUEST FOR CONTINUED EXAMINATION (RCE) Technology Center 2000  
(37 C.F.R. 1.114)

Box RCE

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

04/10/2002 STEFFER 00000054 09103515  
01 FC:115  
02 FC:103  
03 FC:102  
740.00 03  
35.00 02  
100.00 01

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

- ☐ 37 C.F.R. § 1.8(a) with sufficient postage as first class mail. ☒ 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee" Mailing Label No. EL 154 443 486 US

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110.00 03

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) 308-6306, or (703) 308-6185, or (703) 308-6296.

April 4, 2002  
Date

John L. Rooney  
John L. Rooney

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
  - ☐ Commencement of a civil action under 35 U.S.C. 146
  - ☐ Prior to the filing of such appeal or commencement of civil action
  - ☐ Such appeal or commencement of civil action has been terminated

**ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

**FEE FOR REQUEST (37 C.F.R. § 1.17(e))**

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)  
\$370.00

☒ Other than a small entity  
\$740.00

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$370		\$740
TOTAL CLAIMS	22-20 =	2	x9=	\$	x18=	\$ 36
INDEPENDENT CLAIMS	5 -3 =	2	x42=	\$	x84=	\$168
( ) MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$ 0
TOTAL			\$		\$944.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☐ Total additional fee required is \$\_\_\_\_\_.

#### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$390.00	\$195.00
<input type="checkbox"/> three months	\$890.00	\$445.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Fee: \$ 110.00

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☐ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ <u>740.00</u>
Fee(s) for additional claims (if any)	\$ <u>204.00</u>
(§ 1.16(b) - (d))	
Extension of time fee (if any)	\$ <u>110.00</u>
(§ 1.17(a) (1) - (4))	

Total Fee(s) Due \$ 1,054.00

**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 1,054.00
- ☐ Charge Account 14-0620 the sum of \$ \_\_\_\_\_

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

**INVENTORSHIP**

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.

- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
  - ☐ been filed

**DEFERRAL OF EXAMINATION**

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

Niels Gebauer

By his attorney

Date April 4, 2002 John L. Rooney  
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